



## **CLOSED CASE SUMMARY**

ISSUED DATE: MARCH 3, 2018

CASE NUMBER: 2017OPA-1167

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

**Named Employee #2**

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

The Complainant alleged police brutality three different times when he was arrested.

### **ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***8.200 - Using Force 1. Use of Force: When Authorized***

The Named Employees were dispatched to a domestic violence disturbance. When the Named Employees contacted the Complainant, they recognized that he was potentially in crisis. The Complainant’s roommate was in the house, and the Named Employees attempted to escort the Complainant away from the house, because the Complainant was threatening to harm his roommate. While the Named Employees were walking the Complainant away from the house (without touching the Complainant), the Complainant yelled “police brutality.” The Complainant refused to cooperate and continued yelling that he was going to kill his roommate. Due to his conduct and statements, the Named Employees decided to place the Complainant into handcuffs. While the Complainant was being searched for weapons he claimed police brutality again, and that the Named Employees were assaulting him. The Complainant also complained about handcuff pain.

In reviewing the In-Car Video, I find that that the Complainant was walking unhandcuffed and without the Named Employees touching him when he first yelled police brutality. The Complainant was likely in crisis and threatening to harm himself and his roommate, causing the Named Employees to place the Complainant into handcuffs. The Complainant complained that the handcuffs were causing him pain, and Named Employee #1 completed a Type I use of force report. The complaint of pain and the allegation of police brutality were properly reported to a supervisor by the Named Employees.

With regard to the handcuffing, I find it to have been force that was consistent with policy. With regard to the other force claimed by the Complainant, which I find to be the gravamen of this complaint, I find, by a preponderance of



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the evidence, that this force did not occur. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

**Named Employee #2 - Allegation #1**

**8.200 - Using Force 1. Use of Force: When Authorized**

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**